

Remarks

Claims 1 – 20 are pending in the application. The Examiner has allowed claims 10 and 11. Claims 1, 2, 4, 7 – 9, 12, 13, 15, 16 and 18 – 20 have been rejected. Claims 3, 5, 6, 14 and 17 are objected to. Claims 1, 12 and 15 have been amended. New claims 21-25 have been added. Claims 1-25 remain for consideration.

Allowable Subject Matter

The Examiner has indicated that claims 10 and 11 are allowed. The Examiner states, “regarding claims 10 and 11, Hanke and Dietz disclose a method of filling a tooth. They fail to teach or suggest a process improving the abrasion and corrosion resistance of a metal using the claimed ormosil composite.”

The Examiner has objected to claims 3, 5, 6, 14 and 17 as being dependent upon a rejected base claim but stating the claims would be allowable if rewritten in dependent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections – 35 USC §112

The Examiner has rejected claims 15 and 16 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner states that, “claim 15 recites a limitation for ‘the coating of claim 1’”. The Examiner states that, “there is insufficient antecedent basis for this limitation in the claim because claim 1 is drawn to ‘a substrate having a coating’”. The Examiner suggests that, “it appears that claim

15 was intended to limit claim 12; not claim 1.” The applicant has amended claim 15 to depend from claim 12 rather than claim 1 per the Examiner’s suggestion.

Claim 16 depends from claim 15. Therefore, it is asserted that the § 112 rejection of claim 16 is no longer applicable.

Claim Rejections — 35 USC § 102

The Examiner has rejected claims 1, 2, 4, 7-9, 12, 13, 15, and 18-20 as being anticipated by Hanke (US Pat. No. 5,112,884) and Dietz (US Pat. No. 3,975,203).

Independent claim 1 has been amended to clarify that the substrate is a metal substrate. Amended claim 1 is submitted to be allowable. Applicant submits that claim 1 is patentable for at least the same reasons that the Examiner set forth with respect to independent claim 10, above.

Dependent claims 2-9 each depend at least indirectly from claim 1. Amended claim 1 is submitted to be patentable for the reasons set forth above. Therefore, claims 2-9 are now submitted to be patentable.

Independent claim 12 has been amended to include the limitation that the abrasion and resistant coating is for application on a metal and that the coating imparts corrosion resistance to the metal. Applicant submits that amended independent claim 12 is allowable for at least the same reasons set forth by the Examiner with respect to claim 10.

Dependent claims 13-20 each depend at least indirectly from amended independent claim 12, which is submitted to be patentable. Dependent claims 13-20 are therefore submitted to be patentable.

New Claims

New claim 21 has been added, which incorporates the limitations of dependent claim 3 and independent claim 1. The Examiner has indicated that dependent claim 3 would be allowable if rewritten in independent form including all the limitations of base claim. Applicant asserts that claim 21 is now allowable.

New claim 22 incorporates all the limitations of dependent claim 5 and independent claim 1. The Examiner has indicated that dependent claim 5 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Applicant asserts that claim 5 is now allowable.

New claim 23 incorporates all the limitations of dependent claim 6 and independent claim 1. Applicant asserts that new claim 23 is allowable for the reasons set forth above.

New claim 24 includes the limitations of dependent claim 14 and independent claim 12. New claim 24 is submitted to be allowable for the reasons set forth above.

New claim 25 includes limitations of dependent claim 17 and independent claim 12. The Applicant asserts that independent claim 25 is allowable for the reasons set forth above.

Considering the foregoing, it is sincerely believed that this case is in a condition for allowance, which is respectfully requested.

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This paper is intended to constitute a complete response to the outstanding Office Action. Please contact the undersigned if it appears that a portion of this response is missing or if there remain any additional matters to resolve. If the Examiner feels that processing of the application can be expedited in any respect by a personal conference, please consider this an invitation to contact the undersigned by phone.

12/23/03
DATE

Reg. No.: 36,050

Tel. No.: (918) 599-0621

Customer No.: 22206

Respectfully submitted,


SIGNATURE OF PRACTITIONER

R. Alan Weeks
(type or print name of practitioner)

321 S. Boston Ave., Suite 800
P.O. Address

Tulsa, OK 74103-3318